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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 UNITED STATES OF AMERICA,) No. CR-11-100-FVS-6
9) CR-11-101-FVS-3
10) ORDER GRANTING MOTION AND
11) SETTING CONDITIONS
12) OF RELEASE
13) Motions Granted
14) (Ct. Rec. 76, No. CR-11-
) 100-FVS-6; Ct. Rec. 113,
) No. CR-11-101-FVS-3)
)

15) Action Required

16 Date of Motion hearing: August 29, 2011.

17 **IT IS ORDERED** that the release of the Defendant is subject to the
18 following:

19 **STANDARD CONDITIONS OF RELEASE**

- 20
- 21 (1) Defendant shall not commit any offense in violation of
22 federal, state or local law. Defendant shall advise the
23 supervising Pretrial Services Officer and defense counsel
24 within one business day of any charge, arrest, or contact
25 with law enforcement.
- 26 (2) Defendant shall immediately advise the court, defense counsel
27 and the U.S. Attorney in writing before any change in address
28 and telephone number.
- 29 (3) Defendant shall appear at all proceedings as required and
 shall surrender for service of any sentence imposed as
 directed.
- 30 (4) Defendant shall sign and complete A.O. 199C before being
 released and shall reside at the addressed furnished.

- (5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.
 - (6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.
 - (7) Defendant shall contact defense counsel at least once a week.
 - (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
 - (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

BOND

- (10) Defendant shall:

Execute an unsecured appearance bond in the amount of dollars (\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Execute an unsecured appearance bond, to be co-signed by _____, in the amount of _____ dollars (\$_____) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Execute: \$ _____
 \$ _____
 \$ _____
 \$ _____

corporate surety bond
property bond
cash bond
percentage bond, with
\$ _____ paid in cash

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the Defendant and the safety of other persons and the community:

IT IS FURTHER ORDERED that the release of the Defendant is subject to the following additional conditions:

(11) The Defendant is placed with:

Name of person or organization

1 City and State

Tele. Number

2 Signature

Date

3 who agrees to sign a copy of this Order, **to be kept in
4 Pretrial Services' file**; supervise the Defendant consistent
5 with all the conditions of release; use every effort to
6 assure the appearance of the Defendant at all scheduled
7 court proceedings; and notify the court immediately in the
8 event the Defendant violates any conditions of release or
9 disappears.

10 (12) Maintain or actively seek lawful employment.11 (13) Maintain or commence an education program.12 (14) Surrender any passport to Pretrial Services and shall not
13 apply for a new passport.14 (15) Defendant shall remain in the:15 Eastern District of Washington, or State of Washington
16 while the case is pending. On a showing of necessity, and
17 with prior notice by the defense to the assigned Assistant
18 U.S. Attorney, the Defendant may obtain prior written
19 permission to temporarily leave this area from the United
20 States Probation Office.21 Exceptions: _____22 (16) Avoid all contact, direct or indirect, with any persons who
23 are or who may become a victim or potential witness in the
24 subject investigation or prosecution, including but not
25 limited to:26 (17) Avoid all contact, direct or indirect, with:27 Known felons Co-Defendant(s) *as part as necessary*28 *during treatment* (18) Undergo medical or psychiatric treatment and/or remain in an
29 institution as follows:30 (19) Refrain from: any excessive use of alcohol31 (20) There shall be no alcohol in the home where Defendant
32 resides.33 (21) There shall be no firearms in the home where Defendant
34 resides.35 (22) Except for employment purposes, Defendant shall not have
36 access to the internet, including cell phones with internet

1 access.

- 2 (23) Defendant may not be in the presence of minors, unless a
3 responsible, knowledgeable adult is present at all times.

4 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

5 If Defendant is required to submit to a substance abuse evaluation,
6 inpatient or outpatient treatment, the following shall apply:

7 Defendant shall complete treatment indicated by an evaluation or
8 recommended by Pretrial Services and shall comply with all rules of
9 a treatment program. Defendant shall be responsible for the cost of
10 testing, evaluation and treatment, unless the United States
11 Probation Office should determine otherwise. The United States
Probation Office shall also determine the time and place of testing
and evaluation and the scope of treatment. If Defendant fails in
any way to comply or cooperate with the requirements and rules of a
treatment program, Pretrial Services shall notify the court and the
U.S. Marshal, who will be directed to immediately arrest the
Defendant.

12 Defendant shall participate in one or more of the following
treatment programs:

- 13 (24) **Substance Abuse Evaluation:** Defendant shall undergo a
14 substance abuse evaluation:

15 if directed by a U.S. Probation Officer

16 as directed by a U.S. Probation Officer

17 Prior to release, Defendant must have an appointment for
18 a substance abuse evaluation, and the appointment must be
confirmed to the court by Pretrial Services. Defendant
will be released:

19 one day prior to; or

20 on the morning of his appointment

- 21 (25) **Inpatient Treatment:** Defendant shall participate in an
22 intensive inpatient treatment program.

23 Prior to release, an available bed and date of entry must
be confirmed by Pretrial Services.

24 Defendant will be released to an agent of the inpatient
25 program on Sept. 2, 2011, as confirmed by Pretrial

26 Prior to release from inpatient treatment, an outpatient
27 treatment program must be presented to the court. If
Defendant does not have a structured outpatient treatment
program in place prior to conclusion of inpatient
treatment, Defendant automatically will go back into the
custody of the U.S. Marshal.

1 Following inpatient treatment, Defendant shall
2 participate in an aftercare program.

3 **(26) Outpatient Treatment:** Defendant shall participate in
4 intensive outpatient treatment.

5 Prior to release, an appointment for Defendant's first
6 counseling session must be made and confirmed by Pretrial
7 Services. Defendant will be released:

8 one day prior to; or

9 on the morning of his appointment

10 **(27) Other:** _____

11 **(28) Prohibited Substance Testing:** If random urinalysis testing
12 is not done through a treatment program, random urinalysis
13 testing shall be conducted through Pretrial Services, and
14 shall not exceed six (6) times per month. Defendant shall
15 submit to any method of testing required by the Pretrial
16 Service Office for determining whether the Defendant is
17 using a prohibited substance. Such methods may be used with
18 random frequency and include urine testing, the wearing of
19 a sweat patch, a remote alcohol testing system, and/or any
form of prohibited substance screening or testing. Defendant shall
refrain from obstructing or attempting to
obstruct or tamper, in any fashion, with the efficiency and
accuracy of prohibited substance testing. Full mutual
releases shall be executed to permit communication between
the court, Pretrial Services, and the treatment vendor.
Treatment shall not interfere with Defendant's court
appearances.

20 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

21 **(29)** Defendant shall participate in one or more of the following
22 home confinement program(s):

23 **Electronic Monitoring:** The Defendant shall participate in
24 a program of electronically monitored home confinement. The
25 Defendant shall wear, at all times, an electronic monitoring
device under the supervision of U.S. Probation. In the
event the Defendant does not respond to electronic
monitoring or cannot be found, the U.S. Probation Office
shall forthwith notify the United States Marshals' Service,
who shall immediately find, arrest and detain the Defendant.
The Defendant shall pay all or part of the cost of the
program based upon ability to pay as determined by the U.S.
Probation Office.

28 **GPS Monitoring:** The Defendant shall participate in a

1 program of GPS confinement. The Defendant shall wear, at
2 all times, a GPS device under the supervision of U.S.
3 Probation. In the event the Defendant does not respond to
4 GPS monitoring or cannot be found, the U.S. Probation Office
5 shall forthwith notify the United States Marshals' Service,
who shall immediately find, arrest and detain the Defendant.
The Defendant shall pay all or part of the cost of the
program based up ability to pay as determined by the U.S.
Probation Office.

6 **Curfew:** Defendant shall be restricted to his/her
residence:

7 every day from _____ to _____

8 as directed by the Pretrial Services Office

9 **Home detention:** Defendant shall be restricted to his/her
10 residence at all times except for: attorney visits; court
appearances; case-related matters; court-ordered
11 obligations; or other activities as pre-approved by the
Pretrial Services Office or supervising officer, as well as:

12 employment education religious services

13 medical, substance abuse, or mental health treatment

14 Maintain residence at a halfway house or community
15 corrections center, as deemed necessary by the Pretrial
Services Office or supervising officer.

16 (30) Other: Status Conf.

17 Nov. 7 2011 at 1:30 pm

18 (31) Defendant shall appear for a status hearing on _____
19 at _____, before the undersigned.

20 DATED August 29, 2011

21 
22 CYNTHIA IMBROGNO
23 UNITED STATES MAGISTRATE JUDGE